IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1213 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

AHMEDABAD MUNICIPAL CORPORATION

Versus

BABALDAS CHHABILDAS BAROT

Appearance:

1. Civil Revision Application No. 1213 of 2001

MR RM CHHAYA for Petitioner No. 1

MR DS VASAVADA for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 20/11/2002

ORAL JUDGEMENT

#. The petitioner - Corporation has challenged the order passed by the Auxiliary Chamber Judge, Court No.12, dated 20.7.2001 below Exh.52 in Civil Suit No.7179 of 1991. By the impugned order, learned Judge has allowed Chamber Summons Exh.52/53 and confirmed the order passed below Exh.48/49. The said order is impugned at the instance of the Corporation by way of this civil revision application.

#. It is not necessary to deal with the facts of the case as well as the arguments of both the sides, as, there is consensus prevailing between the parties for disposing of this revision application on suggested line. It is agreed by both the sides that, appropriate direction may be given for disposal of civil suit, which is pending since 1991 by a particular date and for setting aside the impugned order passed by the learned Judge.

#. In view of the aforesaid position, order passed by the learned Judge, Court No.12, City Civil Court, Ahmedabad, below Exh.52 is quashed and set aside. Learned Judge is directed to dispose of Civil Suit No.7179 of 1991 expeditiously and latest by 1.3.2003. Both the advocates have stated before this Court that, their respective clients and the advocates appearing before the trial Court will cooperate so that the suit can be disposed of by the time, as indicated above. Mr.Chhaya states that, during pendency of the suit, Corporation will continue to pay subsistence allowance to the respondent - original plaintiff, which is being paid at present to the said employee. The said statement of Mr.Chhaya is accordingly recorded.

#. In view of what is stated above, revision application is allowed to the extent indicated above. Rule is made absolute with no order as to costs. Writ to be sent to the City Civil Court forthwith. Direct service of the writ of this order is also permitted.

(P.B.Majmudar,J)
(pathan)